



NORTH AMERICA SOUTH AMERICA EUROPE ASIA

800 Capitol St., Suite 2400
Houston, TX 77002-2925
T +1 (713) 651-2600
F +1 (713) 651-2700

BRANDON DUKE
Of Counsel
+1 (713) 557-5182
bduke@winston.com

October 31, 2022

By Electronic Filing and Email

The Honorable Analisa N. Torres
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York
Torres_NYSDChambers@nysd.uscourts.gov

Re: *SEC v. Ripple Labs Inc.*, No. 1:20-cv-10832-AT-SN

Dear Judge Torres:

Winston & Strawn represents Valhil Capital, LLC (“Valhil”), and we write to respectfully request the Court’s permission to file an amicus brief on behalf of Valhil in the above-referenced action addressing the parties’ motions for summary judgment. We have conferred with the parties and Defendants do not oppose this request. The SEC takes no position at this time and will inform the Court of its position after the submission of this request. A copy of the proposed amicus brief is attached hereto as Exhibit A.

This Court has broad discretion to accept amicus briefs. *See Automobile Club of N.Y., Inc. v. Port Auth. of N.Y. and N.J.*, No. 11-cv-6746, 2011 WL 5865296, at *2 (S.D.N.Y. Nov. 22, 2011) (accepting amicus brief to “insure a complete and plenary presentation of potentially difficult issues so that the court may reach a proper decision”) (cleaned up). An amicus brief “should be normally be allowed” when “the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Citizens Against Casino Gambling in Erie Cnty. v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007) (internal quotations omitted).

Valhil is a private equity firm based in Houston, Texas which owns a portfolio of early-stage companies, brands, and alternate asset classes. Valhil is an active participant in the digital assets market and has integrated XRP in its day-to-day operations and portfolio management. Specifically, Valhill compensates its executives in XRP and its portfolio investments maintain their excess cash in digital assets, including XRP. Further, one of Valhil’s most significant investments is in its portfolio company, Deltawave Energy, whose operation and structure relies significantly on XRP. Therefore, Valhil has a significant interest in the



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outcome of this action and can offer the Court a practical perspective on the numerous use-cases of XRP.

For the foregoing reasons, Valhil respectfully requests that the Court grant leave to file the amicus brief attached hereto as Exhibit A.

Respectfully submitted,

/s/ Brandon Duke

cc: All Counsel of Record (via ECF)